

HOUSE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
SIXTY-THIRD LEGISLATURE

FORTY-THIRD LEGISLATIVE DAY
MONDAY, FEBRUARY 22, 2016

House of Representatives

The House convened at 11 a.m., the Speaker in the Chair.

Roll call showed 69 members present.

Absent – Raybould. Total – 1.

Total – 70.

Prayer was offered by Chaplain Tom Dougherty.

The Pledge of Allegiance was led by Hannah Bergmann,
Page.

3RD ORDER

Approval of Journal

February 22, 2016

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Fortieth Legislative Day and recommend that same be adopted as corrected.

WILLS, Chairman

Mr. Wills moved that the report be adopted. Seconded by Mr. Gannon. Report adopted.

4TH ORDER

Consideration of Messages from the Governor and the Senate

OFFICE OF THE GOVERNOR
Boise

February 19, 2016

The Honorable Scott Bedke
Speaker of the House

Dear Mr. Speaker:

I have the honor to advise you that I have signed today and am transmitting to the Secretary of State the following House bills, to wit:

[H 345](#) and [H 361](#)

As Always - Idaho, "Esto Perpetua"
/s/ C.L. "Butch" Otter
Governor

February 18, 2016

Mr. Speaker:

I transmit herewith [S 1246](#), [S 1270](#), [S 1271](#), [S 1232](#), [S 1249](#), [S 1222](#), and [S 1223](#) which have passed the Senate.

NOVAK, Secretary

[S 1246](#), [S 1270](#), [S 1271](#), [S 1232](#), [S 1249](#), [S 1222](#), and [S 1223](#) were filed for first reading.

February 19, 2016

Mr. Speaker:

I transmit herewith [S 1225](#), [SJR 101](#), [S 1244](#), [S 1214](#), and [S 1258](#) which have passed the Senate.

NOVAK, Secretary

[S 1225](#), [SJR 101](#), [S 1244](#), [S 1214](#), and [S 1258](#) were filed for first reading.

February 18, 2016

Mr. Speaker:

I return herewith [H 352](#), [H 359](#), [H 360](#), and [H 376](#) which have passed the Senate.

NOVAK, Secretary

[H 352](#), [H 359](#), [H 360](#), and [H 376](#) were referred to the Judiciary, Rules, and Administration Committee for enrolling.

5TH ORDER

Report of Standing Committees

February 22, 2016

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have printed [H 524](#), [H 525](#), [H 526](#), and [H 527](#).

WILLS, Chairman

[H 524](#) and [H 525](#) were referred to the Agricultural Affairs Committee.

[H 526](#) and [H 527](#) were referred to the Education Committee.

February 22, 2016

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have printed House amendments to [H 331](#), [HCR 28](#), [H 356](#), [H 462](#), and [H 491](#).

WILLS, Chairman

February 22, 2016

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have engrossed [H 331](#), as amended, [HCR 28](#), as amended, [H 356](#), as amended, [H 462](#), as amended, and [H 491](#), as amended.

WILLS, Chairman

[H 331](#), as amended, [HCR 28](#), as amended, [H 356](#), as amended, [H 462](#), as amended, and [H 491](#), as amended, were filed for first reading of engrossed bills.

February 19, 2016

Mr. Speaker:

We, your COMMITTEE ON HEALTH AND WELFARE, return misdirected [H 518](#) to the Desk.

WOOD, Chairman

[H 518](#) was referred to Judiciary, Rules, and Administration Committee.

February 19, 2016

Mr. Speaker:

We, your COMMITTEE ON LOCAL GOVERNMENT, report that we have had under consideration [H 443](#) and report it back with amendments attached to be placed on General Orders for consideration.

LUKER, Chairman

[H 443](#) was placed on General Orders for consideration.

There being no objection, the House advanced to the Seventh Order of Business.

7TH ORDER

Motions, Memorials, and Resolutions

HOUSE CONCURRENT RESOLUTION NO. 43 BY REVENUE AND TAXATION COMMITTEE

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE
AND HONORING IDAHO POWER COMPANY ON ITS
HUNDREDTH ANNIVERSARY.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, Idaho Power Company was established 100 years ago on August 1, 1916; and

WHEREAS, Idaho Power Company is locally based and provides electricity that fuels the economy, powers lives and makes Idaho and eastern Oregon more comfortable places to live; and

WHEREAS, Idaho Power Company initially served 18,000 customers and today serves approximately 520,000 customers with 2,000 dedicated employees; and

WHEREAS, 100 years ago Idaho Power Company relied solely on power produced by nine hydroelectric plants along the Snake River to meet customers' energy needs, and today has a generation resource mix of 17 hydroelectric power plants and six thermal power plants, along with renewable energy such as wind, solar and geothermal; and

WHEREAS, Idaho Power Company is one of the few investor-owned electric utilities with a primarily hydroelectric (non-carbon emitting) generating base; and

WHEREAS, Idaho Power Company has a legacy of caring for the land and rivers in the areas it serves through fish conservation efforts, raptor protection and watershed management; and

WHEREAS, Idaho Power Company operates and maintains more than 50 recreational facilities along the Snake River, providing opportunities for outdoor recreation to Idahoans and to visitors from around the world; and

WHEREAS, Idaho Power Company is committed to the safety of its employees and customers; and

WHEREAS, Idaho Power Company supports the communities it serves through employee volunteerism, corporate donations and community sponsorships; and

WHEREAS, Idaho Power Company has provided reliable, fair-priced energy for a century and will continue this tradition for many years into the future.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-third Idaho Legislature, the House of Representatives and the Senate concurring therein, that we recognize and honor Idaho Power Company for a century of service in the state of Idaho.

[HCR 43](#) was introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

There being no objection, the House returned to the Fifth Order of Business.

5TH ORDER

Report of Standing Committees

February 22, 2016

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have printed [HCR 43](#).

WILLS, Chairman

[HCR 43](#) was referred to the Environment, Energy, and Technology Committee.

There being no objection, the House advanced to the Eighth Order of Business.

8TH ORDER

Introduction, First Reading, and Reference of Bills and Joint Resolutions

[S 1246](#), by Transportation Committee, was introduced, read the first time by title, and referred to the Transportation and Defense Committee.

[S 1270](#) and [S 1271](#), by Finance Committee, were introduced, read the first time by title, and filed for second reading.

[S 1232](#) and [S 1249](#), by Education Committee, were introduced, read the first time by title, and referred to the Education Committee.

[S 1222](#), [S 1223](#), [S 1225](#), and [S 1244](#), by Resources and Environment Committee, were introduced, read the first time by title, and referred to the Resources and Conservation Committee.

[SJR 101](#), by State Affairs Committee, was introduced, read the first time by title, and referred to the State Affairs Committee.

[S 1214](#) and [S 1258](#), by Agricultural Affairs Committee, were introduced, read the first time by title, and referred to the Agricultural Affairs Committee.

9TH ORDER

First Reading of Engrossed Bills

[H 331](#), as amended, by State Affairs Committee, was introduced, read the first time by title, and filed for second reading.

[HCR 28](#), as amended, and [H 356](#), as amended, by Transportation and Defense Committee, were introduced, read the first time by title, and filed for second reading.

[H 462](#), as amended, by Resources and Conservation Committee, was introduced, read the first time by title, and filed for second reading.

[H 491](#), as amended, by Judiciary, Rules, and Administration Committee, was introduced, read the first time by title, and filed for second reading.

10TH ORDER

Second Reading of Bills and Joint Resolutions

[H 458](#) and [H 459](#), by Education Committee, were read the second time by title and filed for third reading.

[H 473](#), by Transportation and Defense Committee, was read the second time by title and filed for third reading.

[S 1259](#), by Agricultural Affairs Committee, was read the second time by title and filed for third reading.

11TH ORDER**Third Reading of Bills and Joint Resolutions**

Mr. Moyle asked unanimous consent that [H 454](#) and [H 444](#) retain their places on the Third Reading Calendar for one legislative day. There being no objection, it was so ordered.

[H 476](#) - EDUCATION

[H 476](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Nye and Mrs. VanOrden to open debate.

The question being, "Shall [H 476](#) pass?"

Roll call resulted as follows:

AYES – Anderson(Carter), Anderst, Andrus, Barbieri, Bateman, Batt, Bell, Beyeler, Boyle, Burtenshaw, Chaney, Cheatham, Chew, Clow, Collins, Crane, Dayley, DeMordaunt, Dixon, Erpelding(Lachiondo), Gannon, Gestrin, Gibbs, Harris, Hartgen(Hartgen), Hixon, Holtzclaw, Horman, Jordan, Kauffman, Kerby, King, Kloc, Loertscher, Luker, Malek, McCrostie, McDonald, McMillan, Mendive, Miller, Monks, Moyle, Nate, Nielsen, Nye, Packer, Pence, Perry, Redman, Romrell, Rubel, Rudolph, Rusche, Scott, Shepherd, Sims, Smith, Thompson, Troy, Trujillo, VanOrden, Vander Woude, Wills, Wintrow, Wood, Youngblood, Mr. Speaker. Total – 68.

NAYS – None.

Absent – Palmer, Raybould. Total – 2.

Total – 70.

Whereupon the Speaker declared that [H 476](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 455](#) - IDAHO APPLE COMMISSION

[H 455](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Ms. Boyle to open debate.

The question being, "Shall [H 455](#) pass?"

Roll call resulted as follows:

AYES – Anderson(Carter), Anderst, Andrus, Barbieri, Bateman, Batt, Bell, Beyeler, Boyle, Burtenshaw, Chaney, Cheatham, Chew, Clow, Collins, Crane, Dayley, DeMordaunt, Dixon, Erpelding(Lachiondo), Gannon, Gestrin, Gibbs, Harris, Hartgen(Hartgen), Hixon, Holtzclaw, Horman, Jordan, Kauffman, Kerby, King, Kloc, Loertscher, Luker, Malek, McCrostie, McDonald, McMillan, Mendive, Miller, Monks, Moyle, Nate, Nielsen, Nye, Packer, Pence, Perry, Redman, Romrell, Rubel, Rudolph, Rusche, Scott, Shepherd, Sims, Smith, Thompson, Troy, Trujillo, VanOrden, Vander Woude, Wills, Wintrow, Wood, Youngblood, Mr. Speaker. Total – 68.

NAYS – None.

Absent – Palmer, Raybould. Total – 2.

Total – 70.

Whereupon the Speaker declared that [H 455](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 456](#) - GRAPES AND WINE

[H 456](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Ms. Troy to open debate.

Pursuant to Rule 38(3), Mrs. Batt disclosed a conflict of interest regarding [H 456](#).

The question being, "Shall [H 456](#) pass?"

Roll call resulted as follows:

AYES – Anderson(Carter), Anderst, Andrus, Barbieri, Bateman, Batt, Bell, Beyeler, Boyle, Burtenshaw, Chaney, Cheatham, Chew, Clow, Collins, Crane, Dayley, DeMordaunt, Dixon, Erpelding(Lachiondo), Gannon, Gestrin, Gibbs, Harris, Hartgen(Hartgen), Hixon, Holtzclaw, Horman, Jordan, Kauffman, Kerby, King, Kloc, Loertscher, Luker, Malek, McCrostie, McDonald, McMillan, Mendive, Miller, Monks, Moyle, Nielsen, Nye, Packer, Pence, Perry, Redman, Romrell, Rubel, Rudolph, Rusche, Shepherd, Sims, Smith, Thompson, Troy, Trujillo, VanOrden, Vander Woude, Wills, Wintrow, Wood, Youngblood, Mr. Speaker. Total – 66.

NAYS – Nate, Scott. Total – 2.

Absent – Palmer, Raybould. Total – 2.

Total – 70.

Whereupon the Speaker declared that [H 456](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 457](#) - MOTOR VEHICLES

[H 457](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Gestrin to open debate.

The question being, "Shall [H 457](#) pass?"

Roll call resulted as follows:

AYES – Anderst, Bateman, Beyeler, Boyle, Cheatham, Clow, Collins, Crane, Gannon, Gestrin, Hixon, Holtzclaw, Jordan, Kauffman, Kerby, King, Kloc, Malek, McMillan, Perry, Rudolph, Shepherd, Thompson, Troy, Youngblood. Total – 25.

NAYS – Anderson(Carter), Andrus, Barbieri, Batt, Bell, Burtenshaw, Chaney, Chew, Dayley, DeMordaunt, Dixon, Erpelding(Lachiondo), Gibbs, Harris, Hartgen(Hartgen), Horman, Loertscher, Luker, McCrostie, McDonald, Mendive, Miller, Monks, Moyle, Nate, Nielsen, Nye, Packer, Pence, Redman, Romrell, Rubel, Rusche, Scott, Sims, Smith, Trujillo, VanOrden, Vander Woude, Wills, Wintrow, Wood, Mr. Speaker. Total – 43.

Absent – Palmer, Raybould. Total – 2.

Total – 70.

Whereupon the Speaker declared that [H 457](#) failed to pass the House and ordered the bill filed in the office of the Chief Clerk.

[H 471](#) - RECREATION ACTIVITIES

[H 471](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Gestrin to open debate.

Pursuant to Rule 38(3), Ms. Sims disclosed a conflict of interest regarding [H 471](#).

The question being, "Shall [H 471](#) pass?"

Roll call resulted as follows:

AYES – Anderson(Carter), Anderst, Andrus, Bateman, Bell, Beyeler, Boyle, Burtenshaw, Chaney, Chew, Clow, Collins, Crane, Dayley, DeMordaunt, Dixon, Erpelding(Lachiondo), Gannon, Gestrin, Gibbs, Harris, Hartgen(Hartgen), Hixon, Holtzclaw, Horman, Jordan, Kauffman, Kerby, King, Kloc, Loertscher, Luker, Malek, McCrostie, McDonald, Miller, Monks, Moyle, Nye, Packer, Pence, Perry, Redman, Romrell, Rubel, Rudolph, Rusche, Shepherd, Smith, Thompson, Troy, Trujillo, VanOrden, Wills, Wintrow, Wood, Youngblood, Mr. Speaker. Total – 58.

NAYS – Barbieri, Batt, Cheatham, McMillan, Mendive, Nate, Nielsen, Scott, Sims, Vander Woude. Total – 10.

Absent – Palmer, Raybould. Total – 2.

Total – 70.

Whereupon the Speaker declared that [H 471](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

Mr. Moyle asked unanimous consent that the remaining bills on the Third Reading Calendar retain their places for one legislative day. There being no objection, it was so ordered.

There being no objection, the House advanced to the Fifteenth Order of Business.

15TH ORDER Announcements

Announcements were made to the body.

16TH ORDER Adjournment

Mr. Moyle moved that the House adjourn until 11 a.m., Tuesday, February 23, 2016. Seconded by Mr. Rusche. Motion carried.

Whereupon the Speaker declared the House adjourned at 12:01 p.m.

SCOTT BEDKE, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk